

Office of Personnel Management

§ 151.111

5 CFR citation	OMB control No.
§ 213.3102(ii)	3206-0082
§ 300.704(b)	3206-0166
§ 530.304	3206-0100
§ 532.105	3206-0036
§ 536.306	3206-0090
part 734	3206-0092
part 734	3206-0098
§ 831.101	3206-0033
§ 831.104	3206-0059
§ 831.104	3206-0061
§ 831.501(b)	3206-0121
§ 831.502(e)	3206-0034
§ 831.601	3206-0032
§ 831.601	3206-0042
§ 831.601	3206-0088
§ 831.601	3206-0096
§ 831.601	3206-0099
§ 831.601	3206-0103
§ 831.1904	3206-0120
§ 831.2002	3206-0128
§ 890.202	3206-0101
§ 891.104(f)	3206-0017
§ 891.104(f)	3206-0104
§ 891.201	3206-0102
§ 950.105	3206-0131
§ 950.202	3206-0131
§ 950.203	3206-0131
§ 950.204	3206-0131
§ 950.205	3206-0131
§ 950.302	3206-0131
§ 950.303	3206-0131
§ 950.601	3206-0131
§ 950.901	3206-0131

[49 FR 7553, Mar. 1, 1984, as amended at 52 FR 7400, Mar. 11, 1987; 52 FR 16175, May 1, 1987; 53 FR 19147, May 26, 1988]

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

GENERAL PROVISIONS

Sec.

151.101 Definitions.

PERMISSIBLE ACTIVITIES

151.111 Permissible activities.

PROHIBITED ACTIVITIES

151.121 Use of official authority; coercion; candidacy; prohibitions.

151.122 Candidacy; exceptions.

AUTHORITY: 5 U.S.C. 1302, 1501-1508, as amended.

SOURCE: 35 FR 16783, Oct. 30, 1970, unless otherwise noted.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) *State* means a State or territory or possession of the United States.

(b) *State or local agency* means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof.

(c) *Federal agency* means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) *State or local officer or employee* means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity.

(2) An individual employed by an educational or research institution, establishment, agency, or system, which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) *Political party* means a National political party, a State political party, and an affiliated organization.

(f) *Election* includes a primary, special, and general election.

(g) *Nonpartisan election* means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector receives votes in the last preceding election at which Presidential electors were selected.

(h) *Partisan* when used as an adjective refers to a political party.

(i) *Elective office* means any office which is voted upon at an election as defined at § 151.101(f), above, but does not include political party office.

[40 FR 42733, Sept. 16, 1975]

PERMISSIBLE ACTIVITIES

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically

§ 151.121

restricted by law and this part, including candidacy for office in a non-partisan election and candidacy for political party office.

[40 FR 42733, Sept. 16, 1975]

PROHIBITED ACTIVITIES

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective public office in a partisan election.

[40 FR 42733, Sept. 16, 1975]

§ 151.122 Candidacy; exceptions.

Section 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office;

(e) Activity in connection with a nonpartisan election; or

(f) Candidacy for a position of officer of a political party, delegate to a political party convention, member of a National, State, or local committee of a political party, or any similar position.

[40 FR 42733, Sept. 16, 1975, as amended at 40 FR 47101, Oct. 8, 1975]

PART 175—OPM MANDATORY REVIEW OF CLASSIFIED DOCUMENTS

Sec.

175.101 Policy.

175.102 Requests for the declassification of documents.

5 CFR Ch. I (1–1–02 Edition)

AUTHORITY: E.O. 12065, 43 FR 28949.

§ 175.101 Policy.

The Office of Personnel Management bases its procedures for handling national security information on Executive Order 12065, “National Security Information,” and Information Security Oversight Office Directive No. 1 concerning national security information.

[45 FR 995, Jan. 4, 1980]

§ 175.102 Requests for the declassification of documents.

Any Federal agency, Government employee or member of the public has the right to request a mandatory review of any classified document, held by the Office of Personnel Management, which was classified for national security purposes by the Civil Service Commission. The Office of Personnel Management does not have the authority to classify documents.

(a) Requests for mandatory declassification review should be addressed to the Director, Office of Management, or the designee of the Director, who will act on requests within 60 days. Requests need not be made in any special form but shall, as specified in section 3-501 of the Executive order, reasonably describe the information.

(b) Based upon the review, the document, or any reasonably segregable portion thereof that no longer requires protection under the Executive order, shall be declassified and released unless withholding is otherwise warranted under applicable law.

(c) No OPM official will refuse to confirm the existence or non-existence of any document requested under the Freedom of Information Act or the mandatory review provisions of the Executive order, unless the fact of its existence or non-existence would itself be classifiable under the Executive order. OPM Administrative Manual chapter 22, covering OPM policies and procedures relating to classified information or material is available for inspection by the public in the OPM Library, room 5H27, 1900 E. St., NW., Washington, DC, or in one of the 10 OPM regional offices in the following cities: